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New FBI spying charged despite accord on ban

By Charles Nicodemus

Fresh complaints alleging FBI "political" surveillance and harassment began reaching civil liberties lawyers even before the new agreement banning such activity won court approval, it has been revealed.

The complaints—from anti-draft groups, left-wing political organizations and Puerto Rican nationalists—started coming in early this year, after it was reported that the FBI had agreed to abide by new restrictions but before the agreement won court ratification.

Douglass Cassel Jr., one of the chief attorneys in the class-action suits aimed at halting government spying on lawful activities, said, "We expect to go back and check them out."

Justice Department representatives and CIA lawyers signed the agreements late last fall, making the restrictions immediately effective but only against spying on plaintiffs listed in the lawsuits.

THE BAN WILL NOT apply to all individuals and groups in Chicago until U.S. District Judge Susan Getzendanner issues a consent judgment, or written approval, of the settlement, which the judge has said will come shortly.

Contents of the proposed settlement were revealed in late December, when they were filed with the court. And last Thursday, Getzendanner formally announced her acceptance of the agreement, which restricts FBI and CIA investigations of groups and individuals engaged in activities protected by the First Amendment of the Constitution.

Cassel said that once the consent judgment is issued by Getzendanner, he will determine if the "handful" of new allegations concerning the FBI are continuing or have been repeated since the ban took effect.

Under the FBI-CIA settlement, if groups or individuals believe they are the targets of illegal spying or harassment, they may petition Getzendanner for permission to conduct court-authorized proceedings to seek proof of the activities.

IF EVIDENCE IS found, and Getzendanner accepts it after a hearing, the judge can order such activity halted and prohibit it in the future.

Cassel, an attorney with Business & Professional People for the Public Interest, represented the American Civil Liberties Union in the six-year litigation that produced the agreement. Groups and individuals represented by the Alliance to End Repression were the other main plaintiffs.

Cassel and the alliance's attorney, Rick Gutman, said there are many activist groups operating in Chicago that may prove to be the sources of future complaints about questionable surveillance tactics by the FBI and other federal, state and local agencies.

Other civil liberties attorneys privately predict that with the Reagan administration openly talking about "unshackling" the FBI and CIA from intelligence-gathering reforms imposed in recent years, government surveillance of some of the more controversial groups may soon be on the rise again.